

## REMARKS

### I. PRELIMINARY REMARKS

Claims 1, 2, 18, 20, 26, 47, 49 and 52 have been amended. No claims have been added or canceled. Claims 1-26 and 43-52 remain in the application. Claims 3, 6-10, 12-16 have been withdrawn from consideration. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Applicant notes that the Examiner has indicated that claims 24, 25 and 44-46 have been allowed and that claims 2, 18, 20-23, 26, 49 and 52 would be allowable if rewritten in independent form. As claims 2, 18, 20, 26, 49 and 52 have been rewritten in independent form, applicant respectfully submits that claims 2, 18, 20-23, 26, 49 and 52 are in condition for allowance.

### II. PRIOR ART REJECTIONS

#### A. The Rejections

Claims 1, 4, 5, 11, 17 and 19 have been rejected under 35 U.S.C. § 102 as being anticipated by the Stevens patent (U.S. Patent No. 5,419,340). Claims 47, 48, 50 and 51 have been rejected under 35 U.S.C. § 102 as being anticipated by the Ebling patent (U.S. Patent No. 4,934,340). The rejections under 35 U.S.C. § 102 are respectfully traversed with respect to the claims as amended above. Reconsideration thereof is respectfully requested.

#### B. Discussion Concerning Claims 1, 4, 5, 11, 17 and 19

Independent claim 1 calls for a combination of elements including "an elongate body," "a steering wire ... operably connected to the distal portion of the elongate body such that proximal movement of the steering wire will result in a pulling force being

applied to the distal portion of the elongate body," "a stiffening member associated with the distal portion of the elongate body" and "a handle." The Stevens patent fails to teach or suggest such a combination.

For example, even assuming for the sake of argument that that the Stevens control wire 20 is a "steering wire," proximal movement of the control wire 20 does not result in a pulling force being applied to the distal portion of the catheter 10. To the contrary, the distal portion of the catheter 10 is prebent and, accordingly, simply returns to its prebent shape when the control wire 20 is moved proximally. The Stevens patent also fails to teach or suggest the use of a stiffening member. The Stevens ball 76, which the Office Action appears to refer to as corresponding to the claimed "stiffening member," merely promotes smooth movement of the control wire 20 and is not a "stiffening member."

As the Stevens patent fails to teach or suggest each and every element of the combination recited in independent claim 1, applicant respectfully submits that claims 1, 4, 5, 11, 17 and 19 are patentable thereover and that the rejection under 35 U.S.C. § 102 should be withdrawn.

### C. Discussion Concerning Claims 47, 48, 50 and 51

The Ebling patent is directed to a bending assembly that may be used to steer a catheter through the body. As illustrated in Figures 7 and 8, the distal portion of a catheter 10b is provided with a contractile wire 20b and a fiber bundle 70, both of which are secured to a connecting member 24b. The contractile wire 20b shrinks when current passes therethrough to deflect the catheter 10b.

Independent claim 47 calls for a combination of elements including "an elongate body," "a stiffening member associated with the distal portion of the elongate body," "an anti-tear device" and "a steering wire, which is **not connected** to the anti-tear device, having a distal portion operably connected to the distal portion of the elongate body." The Ebling patent fails to teach or suggest such a combination. For example, even assuming for the sake of argument that the Ebling contractile wire 20b corresponds to

the claimed "steering wire," and that the Ebling connecting member 24b corresponds to the claimed "anti-tear device," the Ebling patent clearly indicates that the contractile wire 20b is connected to the connecting member 24b. [Column 6, lines 42-65.]

As the Ebling patent fails to teach or suggest each and every element of the combination recited in independent claim 47, applicant respectfully submits that claims 47, 48, 50 and 51 are patentable thereover and that the rejection under 35 U.S.C. § 102 should be withdrawn.

### III. CLOSING REMARKS

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

11/6/03  
Date

Respectfully submitted,

  
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